

**ORDINANCE NO. 2028**

**AN ORDINANCE OF THE SAN RAFAEL CITY COUNCIL AMENDING THE ZONING MAP OF THE SAN RAFAEL MUNICIPAL CODE TO CHANGE THE ZONING FOR 380 MERRYDALE ROAD (APN 179-041-22) FROM PLANNED DISTRICT 1436 (PD 1436) TO OFFICE, AND THE ZONING CLASSIFICATION OF 401 MERRYDALE ROAD (APN 179-041-05) FROM LIGHT INDUSTRIAL-OFFICE TO OFFICE (ZC23-003 and ZC23-004)**

**WHEREAS**, the City of San Rafael completed a comprehensive update of its General Plan between 2018 and 2021, moving the time horizon forward from 2020 (General Plan 2020) to 2040 (General Plan 2040); and

**WHEREAS**, the Plan Update process included an update of the General Plan Land Use Map to reflect recently prepared plans and land use policies, including policies supporting higher density residential and mixed use development around rail transit stations; and

**WHEREAS**, on August 2, 2021, the San Rafael City Council adopted General Plan 2040, including an updated Land Use Map replacing the “Light Industrial/ Office” General Plan designations at 380 Merrydale (APN 179-041-22) and 401 Merrydale (APN 179-041-05) with the “Office Mixed Use” General Plan designation, thereby creating additional opportunities for transit-oriented development, including housing at densities up to 43.5 units per acre and

**WHEREAS**, California Government Code 65860 requires a city’s zoning ordinance, including its zoning map, to be consistent with a city’s general plan; and

**WHEREAS**, the current zoning classification for 380 Merrydale (APN 179-041-22) Planned District 1436 (PD 1436), corresponding to the self-storage facility on the property and the current zoning classification for 401 Merrydale (APN 179-041-05) is Light Industrial/Office (LI/O) and neither of these designation is consistent with the General Plan Land Use designation of Office Mixed Use; and

**WHEREAS**, the City of San Rafael has identified 380 Merrydale and 401 Merrydale as potential sites to meet a portion of its Regional Housing Needs Allocation (RHNA) of 3,220 housing units, as well as opportunities to affirmatively further fair housing by creating multi-family housing opportunities in a range of locations around the city; and

**WHEREAS**, rezoning of these properties would better align their zoning designations with their General Plan designations, while also facilitating the City’s ability to meet its State-mandated RHNA; and

**WHEREAS**, the proposed rezoning implements the San Rafael General Plan 2040, for which a Final Environmental Impact Report was previously prepared and certified on August 2, 2021, Consistent with the California Environmental Quality Act (CEQA) Guidelines and the City of San Rafael Environmental Assessment Procedures Manual, the appropriate steps were followed to complete environmental review of General Plan 2040, including the adoption of Findings and a Mitigation Monitoring and Reporting program. No development is currently proposed on the subject properties and no further impacts will result from the rezoning; and

Agenda Item 5.b

**WHEREAS**, the City of San Rafael established zoning case numbers ZC23-003 and ZC23-004 for the two subject parcels to facilitate this rezoning, in order to align the zoning and General Plan Maps; and

**WHEREAS**, on April 25, 2023, the San Rafael Planning Commission convened a duly noticed public hearing and unanimously (5:0, with one member absent) approved a resolution recommending City Council approval of this rezoning; and

**WHEREAS**, the City has complied with all noticing requirements for the rezoning action, including providing mailed notices to all property owners within 300 feet of the subject properties; and

**WHEREAS**, on May 15, 2023, the San Rafael City Council held a duly noticed public hearing on the proposed rezoning, accepting and considering all oral and written public testimony and the written report of the Department of Community Development; and

**WHEREAS**, the custodian of documents which constitute the record of proceedings upon which this decision is based, is the Community Development Department; and

**WHEREAS**, as required by San Rafael Municipal Code Section 14.27.060, the City Council makes the following findings in support of an ordinance to amend the Zoning Map to change 380 Merrydale Road (APN 179-041-22) from Planned District 1436 (PD 1436) to an Office (O) zoning classification and to change 401 Merrydale Road (APN 179-041-05) from Light Industrial/Office (LI/O) to an Office (O) zoning classification, as shown on the map contained in Exhibit "A":

1. The proposed amendment to the Zoning Map is consistent in principle with the General Plan in that:
  - a. This action would be consistent with the General Plan Land Use Map, which identifies the subject sites as Office Mixed Use, rather than Light Industrial/Office.
  - b. This action would implement the General Plan Land Use Map.
  - c. This action supports the General Plan concept of transit-oriented development around the two SMART stations and would accommodate higher-density residential and employment uses that is more sustainable and less car-dependent than traditional suburban development.
  - d. This action would be consistent with and implement the following General Plan policies and programs:
    - 1) Land Use Element Policy LU-1.3 (*Land Use and Climate Change*), which supports housing and commercial development adjacent to transit stations.
    - 2) Land Use Element Policy LU-2.1 (*Land Use Map and Categories*), which indicates that the General Plan Map should be used as a framework for future land use decisions, including zoning regulations.
    - 3) Land Use Element Policy LU-2.2 (*Mixed Use Development*), which supports mixed uses on commercial properties.
    - 4) Land Use Element Policy LU-3.3 (*Housing Mix*), which supports a diverse mix of housing choices and opportunities.

Agenda Item 5.b

- 5) Neighborhoods Element Program NH-4.10A (*Station Area Plan Implementation*) which supports additional residential and commercial development opportunities adjacent to the Civic Center Station.
  - 6) Mobility Policy M-3.8 (*Land Use and VMT*), which supports development opportunities around transit stations.
  - 7) Housing Element Policy H-4.8 (*Adequately Zoned Sites*) to maintain an adequate supply of residentially zoned land to meet the needs of all economic segments of the community.
2. The public health, safety, and general welfare would be served by the adoption of the proposed amendment to change the existing “PD 1436” and “LI/O” Zoning Classifications to the “O” Zoning Classification because the subject parcels would provide opportunities for housing, including affordable housing. Allowing densities of 43.5 units per acre on sites where residential uses are not permitted today can help meet an urgent community need and leverage the benefits of the sites’ proximity to mass transit. Moreover, rezoning properties located immediately adjacent to the SMART station presents an opportunity for development that is less car-dependent, reduces per capita greenhouse gas emissions, supports active transportation modes such as walking and bicycling, and reduces the need to convert open space on the fringes of the city to urban uses.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN RAFAEL DOES HEREBY ORDAIN AS FOLLOWS:**

**DIVISION 1: Findings**

The City Council of the City of San Rafael hereby determines and finds that all of the facts and statements contained in the recitals herein and the finding of Planning Commission Resolution 23-03, adopted April 25, 2023, recommending to the City Council adoption of this Ordinance, are true and correct. The City Council further finds that the zoning map amendment complies with CEQA and is consistent with the certified EIR for San Rafael General Plan 2040.

**DIVISION 2: Approval**

The City Council of the City of San Rafael hereby approves and adopts the amendment to SRMC Title 14 Zoning Map as presented in Exhibit A attached hereto and incorporated herein by reference.

**DIVISION 3: Publication**

A summary of this Ordinance shall be published and a certified copy of the full text of this Ordinance shall be posted in the Office of the City Clerk at least five (5) days prior to the Council meeting at which it is adopted.

The Ordinance shall be in full force and effect thirty (30) days after its final passage, and the summary of this Ordinance shall be published within fifteen (15) days after the adoption, together with the names of those Councilmembers voting for or against the same, in the Marin Independent Journal, a newspaper of general circulation published and circulated in the City of San Rafael, Marin County, State of California.

Agenda Item 5.b

Within fifteen (15) days after adoption, the City Clerk shall also post in the office of the City Clerk a certified copy of the full text of this Ordinance, along with the names of those Councilmembers voting for or against the Ordinance.

**THE FOREGOING ORDINANCE** was first read and introduced at a regular meeting of the San Rafael City Council on the 15<sup>th</sup> day of May 2023, and was passed and adopted at a regular meeting of the San Rafael City Council on the 5<sup>th</sup> day of June 2023 by the following vote, to wit:

AYES:           COUNCILMEMBERS:  
NOES:           COUNCILMEMBERS:  
ABSENT:        COUNCILMEMBERS:

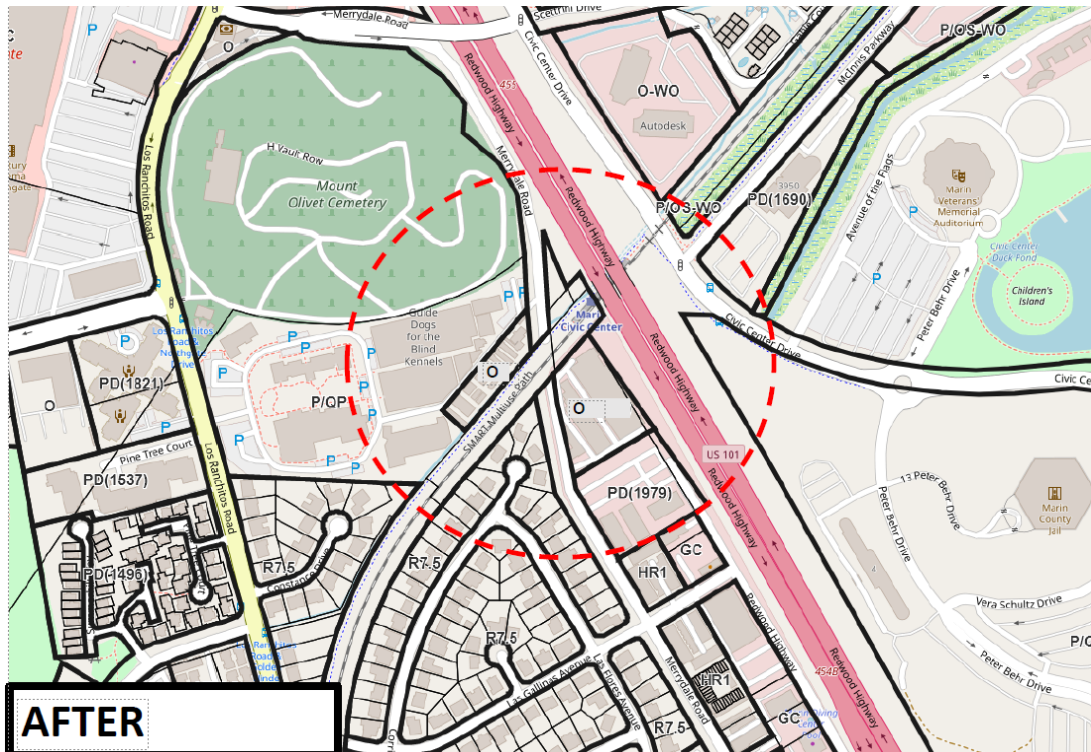
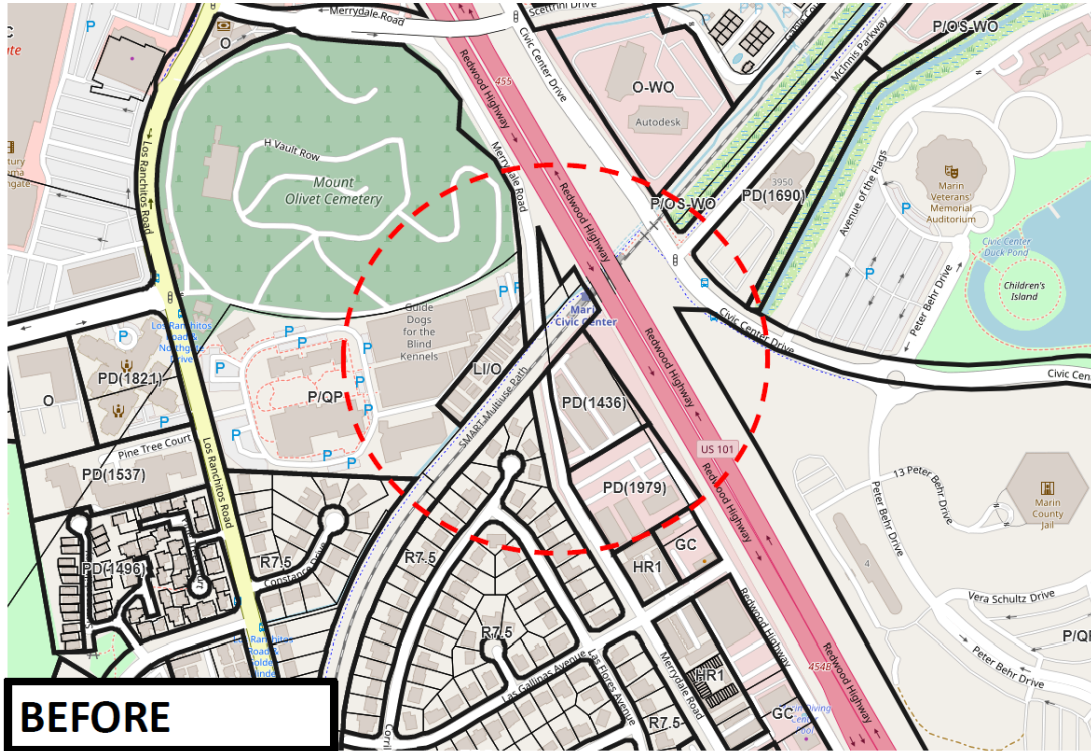
\_\_\_\_\_  
KATE COLIN, Mayor

ATTEST:

\_\_\_\_\_  
LINDSAY LARA, City Clerk

Exhibits:  
A. Rezoning Map

### Attachment A San Rafael Zoning Map



## **SUMMARY OF ORDINANCE NO. 2028**

### **AN ORDINANCE OF THE SAN RAFAEL CITY COUNCIL AMENDING THE ZONING MAP OF THE SAN RAFAEL MUNICIPAL CODE TO CHANGE THE ZONING FOR 380 MERRYDALE ROAD (APN 179-041-22) FROM PLANNED DISTRICT 1436 (PD 1436) TO OFFICE, AND THE ZONING CLASSIFICATION OF 401 MERRYDALE ROAD (APN 179-041-05) FROM LIGHT INDUSTRIAL-OFFICE TO OFFICE. (ZC23-003 and ZC23-004)**

This Summary concerns a proposed ordinance of the City of San Rafael, designated as Ordinance No. 2028, which will amend the Zoning Maps in Title 14 of the San Rafael Municipal Code. Ordinance No. 2028 is scheduled for adoption by the San Rafael City Council at its regular meeting of June 5, 2023. The City Clerk has been directed to publish this Summary pursuant to City Charter and California Government Code section 36933(c)(1).

#### **SUMMARY OF AMENDMENT TO MUNICIPAL CODE**

The Ordinance will amend Title 14 (Zoning) of the San Rafael Municipal Code to change the zoning district boundary line for the property located 380 Merrydale Road (APN 179-041-22) from Planned District 1436 (PD 1436) to an Office (O) zoning classification and to change 401 Merrydale Road (APN 179-041-05) from Light Industrial/Office (LI/O) to an Office (O) zoning classification

Copies of Ordinance No. 2028 will be available for public review as of Wednesday, May 17, 2023, on the City's website: <https://www.cityofsanrafael.org>. You may also contact the City Clerk at (415) 485-3066 or the Planning Department at (415) 485-3085 for information.

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LINDSAY LARA  
San Rafael City Clerk  
Dated: 5/19/23